REMARKS

Claims 8 and 12-16 are pending in this application, with claims 1 and 16 being independent claims. Claims 8 and 16 have been amended. Claims 9-11 are canceled without prejudice or disclaimer. Claims 8-14 and 16 have been rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,243,324 to Bober ("Bober"). Claim 15 has been rejected under 35 U.S.C. §103(a) as unpatentable over Bober in view of U.S. Patent No. 6,429,845 to Unseld et al ("Unseld").

Rejection of claims 8 and 10-16 under 35 U.S.C. §102(b)

The Office Action states that Bober teaches all of Applicants' recited elements.

Independent claim 1 has been amended to incorporate the subject matter of now canceled dependent claim 9 and now recites the additional step of "decrementing the counter for the at least one input variable by a second predetermined number of counter steps when a time period elapses without the occurrence of a fault message for that at least one input variable". Bober fails to teach or suggest this additional step.

Bober teaches method for detecting a fault in an automotive system. The method includes the steps of energizing the system, monitoring the power supply value of the vehicle power supply during a predetermined interval, detecting an inability of the system to be placed into a desired operating state and generating a fault signal in response thereto, and recording each occurrence of a fault signal only when the power supply value is within predetermined limits.

Bober discloses incrementing a counter when a fault is detected and setting a fault flag when the counter = N (see col. 4, lines 34-46 of Bober). Bober further discloses that the counter is reset to zero if no fault has been detected or the fault value is outside threshold limits (see Fig.

3 of Bober). Nowhere does Bober teach or suggest the step of "decrementing the counter for the at least one input variable by a second predetermined number of counter steps when a time period elapses without the occurrence of a fault message for that at least one input variable", as now recited in Applicants' amended independent claim 8.

The Examiner cites Fig. 3; col. 4, lines 8-46; and col. 5, lines 25-34 of Bober as teaching decrementing a counter. Applicants submit that the cited passages have been misinterpreted.

The passages cited at col. 5, lines 25-34 read, "Returning now to FIG. 3, to finish the method of the present invention. If, at block 30, an electrical fault was not detected within the system, the counter of the processor is reset to zero, block 42. In the method shown in FIG. 3, as long as the power supply values are within the prescribed limits as set forth above, the algorithm will continue to run and either increment or reset the counter until the counter reaches a predetermined value within a predetermined time period at which time the fault flag is set." In other words, the counter of Bober is either incremented or set to zero (reset to the starting point or count), and only zero.

In contrast to Bober, Applicants' method recites, "decrementing the counter for the at least one input variable by a second predetermined number of counter steps when a time period elapses without the occurrence of a fault message for that at least one input variable". In other words, for each time period that lapses without a fault detection, the counter is decremented by a particular amount, and not reset to zero, as taught by Bober. Applicants' recited counter is either increasing (i.e., incrementing) or decreasing (i.e., decrementing) depending on the occurrence of a fault message. The counter taught by Bober is either increasing (i.e., incrementing) or zero (i.e., reset).

In view of the foregoing, Bober fails to teach or suggest the subject matter recited in Applicants' amended independent claim 8. Accordingly, claim 8 is patentable thereover under 35 U.S.C. §102(b).

Claim 16 has been amended to recite limitations similar to claim 8 and is therefore deemed to be patentably distinct over Bober for at least those reasons discussed above with respect to independent claim 8.

Claim 9 has been canceled. Claims 10-14, which depend directly or indirectly from amended independent claim 8, incorporate all of the limitations of independent claim 8 and are therefore deemed to be patentably distinct over Bober for at least those reasons discussed above with respect to independent claim 8.

Rejection of claim 15 under 35 U.S.C. §103(a)

The Office Action states that the combination of Bober and Unseld teaches all of Applicants' recited elements.

As previously discussed, Bober does not teach or suggest the subject matter recited in Applicants' amended independent claim 8.

Because Bober does not teach or suggest the subject matter recited in independent claim 8, and because Unseld does not teach or suggest the elements of claim 8 that Bober is missing, the addition of Unseld does not remedy the non-obviousness of the claims.

Claim 15, which depends directly from amended independent claim 8, incorporates all of the limitations of independent claim 8 and is therefore deemed to be patentably distinct over Bober and Unseld for at least those reasons discussed above with respect to independent claim 8.

Conclusion

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of all pending claims is respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/
Alfred W. Froebrich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: June 18, 2007